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Steve Ferrari, Mike Keynejad et al.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STEVE FERRARI, et al.,

Plaintiffs,

vs.

AUTOBAHN, INC. dba AUTOBAHN  
MOTORS, et al.,

Defendants.

No. 4:17-cv-00018-YGR

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT AND CERTIFICATION  
OF SETTLEMENT CLASS**

Date: July 10, 2018  
Time: 2:00 p.m.  
Courtroom: 1  
Judge: Hon. Yvonne Gonzales Rogers

**TO THE COURT AND ALL PARTIES OF RECORD:**

**PLEASE TAKE NOTICE** that on July 10, 2018 at 2:00 p.m., or as soon thereafter as the matter may be heard, in Courtroom 1, 4th Floor of the United States District Court, Oakland Courthouse, located at 1301 Clay Street, Oakland, California, 94612, before the Honorable Yvonne Gonzalez Rogers, Plaintiffs Steve Ferrari, Michael Keynejad, Patricia Rubin, John Diaz, Ray Gapasin, and Harold Fethe (“Plaintiffs”) will, and hereby do, move the court, pursuant to Federal Rule of Civil Procedure 23(e), for an order:

1. Preliminarily approving the Settlement Agreement (“Settlement” or “Settlement Agreement”) they have reached with Defendants Sonic Automotive, Inc. and Autobahn, Inc. (collectively the “Autobahn Defendants”) in this matter;
2. Ordering minor alterations to the settlement administration procedure suggested during consultations with a potential settlement administrator. The proposed changes would improve the efficiency of the administration process and ensure that the cost of administration remains within the limits agreed by the Parties in the Settlement Agreement, thereby maximizing the benefit to the Class;
3. Granting provisional certification of the Class for purposes of settlement only;
4. Appointing Plaintiffs Steve Ferrari, Michael Keynejad, Patricia Rubin, John Diaz, Ray Gapasin, and Harold Fethe to serve as Class Representatives;
5. Appointing Varnell & Warwick, P.A. and Franck & Associates as Class Counsel;
6. Approving the Parties’ proposed notice program as set forth in the Settlement and directing that notice be disseminated to the Class pursuant to the notice program provided in the Settlement;
7. Approving the Parties’ proposed Claim Form, and approving the procedures set forth in the Settlement for Class Members to submit claims, receive vouchers, redeem vouchers, receive redemption checks, exclude themselves from the Class, and object to the Settlement;
8. Setting a schedule for the final approval process and for Plaintiffs’ motion for service

awards to the named plaintiffs and attorneys' fees and costs; and

9. Staying all non-settlement related proceedings in this case against the Autobahn Defendants, pending final approval of the proposed Settlement.

10. The Settlement Agreement is attached as Exhibit A.

11. The Long Form Notice is attached as Exhibit B.

12. The Short Form Notice is attached as Exhibit C.

13. The zMAX Claim Form is attached as Exhibit D.

14. The Proposed Order Granting Preliminary Approval is attached as Exhibit E.

The grounds for this motion are that the proposed Settlement is fair, adequate and reasonable, and that the other requested relief is well-grounded in law and fact, as set forth in the accompanying memorandum of points and authorities. This motion is based on supporting memoranda of points and authorities to be submitted June 5, 2018 (35 days in advance of the hearing); the pleadings and papers on file in this action, and the oral argument of counsel, if any, to be presented at the hearing on this motion.

DATED: May 4, 2018

Respectfully submitted,

By: /s/ Brian Warwick

Brian W. Warwick, (Admitted Pro Hac Vice)

Janet R. Varnell, (Admitted Pro Hac Vice)

David Lietz (Admitted Pro Hac Vice)

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